

**ORDINANCE NO. O-508-09**

**AMENDING SECTION 13-21 OF THE CODE OF ORDINANCES REGARDING  
DESIGNATED SMOKING AREAS**

**BE IT NOW ORDAINED** by the City Council of the City of Jacksonville, Alabama,  
as follows:

**SECTION I.** Section 13-21 of the Code of Ordinances of the City of  
Jacksonville is hereby amended to read as follows:

"Sec. 13-21. Prohibition of smoking in public places.

(a) Smoking shall be prohibited in all enclosed public places within the  
city, including but not limited to, the following places:

- (1) Aquariums, galleries, libraries, and museums.
- (2) Areas available to and customarily used by the general public in  
businesses and nonprofit entities patronized by the public, including but  
not limited to, professional offices, banks, laundromats, hotels, and  
motels.
- (3) Bingo facilities when a bingo game is in progress.
- (4) Convention facilities.
- (5) Elevators.
- (6) Facilities primarily used for exhibiting a motion picture, stage, drama,  
lecture, musical recital, or other similar performance.
- (7) Health care facilities.
- (8) Licensed child care and adult day care facilities.
- (9) Lobbies, hallways, and other common areas in apartment buildings,  
condominiums, trailer parks, retirement facilities, nursing homes, and  
other multiple-unit residential facilities.
- (10) Polling places.

(11)Public transportation facilities, including buses and taxicabs, under the authority of the city and ticket, boarding, and waiting areas of public transit depots.

(12)Restaurants, including attached bars.

(13)Restrooms, lobbies, reception areas, hallways, and other common-use areas.

(14)Retail stores.

(15)Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the city or a political subdivision of the state when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the city.

(16)Service lines.

(17)Shopping malls.

(18)Sports arenas, including enclosed places in outdoor arenas.

(19)Freestanding bars.

(b) Provided, however, any freestanding bar or restaurant, including attached bar, in which there existed a City-approved designated smoking area where a properly installed and operable ventilation system, as defined in Section 13-19, was being used and all required signs were properly posted as of the date of the adoption of this provision, shall be allowed to continue to be used as a designated smoking area so long as the ownership of the bar or restaurant business remains unchanged or for a period of fifteen years from the said date of adoption, whichever is longer.”

**SECTION II.** The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or part thereof, or the application thereof to any person or

thing shall be held unconstitutional or invalid, such holding shall not affect or impair the remainder of this ordinance of the remaining persons or things to which it applies, it being the legislative intent to enact each provision, section, sentence, paragraph, and part thereof, and the application thereof, separately and verbally from each other.

**SECTION III. EFFECTIVE DATE.**

This ordinance shall become effective upon its publication as required by law.

**PASSED AND ADOPTED**, this the 27th day of July,  
2009.

CITY COUNCIL OF THE CITY  
OF JACKSONVILLE, ALABAMA

ATTEST:

/s/ Dorothy P. Wilson  
City Clerk

/s/ Johnny L. Smith  
Mayor

/s/ Mark Jones  
Council Member Mark A. Jones

/s/ George L. Arenó  
Council Member George L. Arenó

/s/ Derek C. Raulerson  
Council Member Derek C. Raulerson

/s/ Sandra Fox Sudduth  
Council Member Sandra F. Sudduth

/s/ Truman Norred  
Council Member R. Truman Norred